

## ADVERTISEMENT.

SWANN TAKES UP  
I. R. T. JURY NOTEJudge Wadhams Consults  
Regarding Procedure  
Over Shonts's Action.LETTERS MAY RESULT  
IN TWO CHARGESTraction Head Denies Any  
Ill Intent—Quackenbush  
Upholds Legality.

District Attorney Swann conferred with Presiding Justice Clark of the Appellate Division yesterday, and Judge William H. Wadhams, of General Sessions, and consulted with Acting District Attorney John T. Dooling and Robert E. Johnston, of the Appeal Bureau, regarding procedure over communications sent to members of the grand jury by Theodore P. Shonts, of the Interborough, urging action against labor leaders associated with the strike.

Judge Wadhams refused to answer questions as to how he will advise the grand jury to-morrow morning. The District Attorney and members of his staff were similarly secretive.

Two courses of probable action, open to both authorities, are these: Members of the grand jury may recommend investigation of the actions of Mr. Shonts which might possibly result in an indictment charging "obstruction of justice," which makes it a misdemeanor to attempt to exert improper influence on a juror in a civil or criminal proceeding before him. District Attorney Swann may go before the grand jury and recommend such action.

The other, and as it was learned on good authority last night, the more probable one, will rest with Judge Wadhams. This would be an order to Mr. Shonts and other officials of the Interborough to appear before the court and show cause why they should not be adjudged in contempt.

More Letters from I. R. T.  
A second unsigned communication sent out from the office of the Interborough president to members of the grand jury was handed unopened to Judge Wadhams yesterday by a grand juror. It contained printed copies of editorials from "The Evening Sun," "The Evening World," "The Post" and "The Globe," in which strike violence was denounced. It also had a printed copy of an opinion given by Magistrate Joseph Fitch, of Queens, in sentencing William Ellenberg, a striking conductor of Flushing, to prison for five days for "calling another conductor names and making a breach of the peace." Here is one excerpt from the opinion:

"The laws of this country are very severe against capitalists who combine to raise the price of products or anything of that kind. The laboring man can still combine, if he wants, with his fellows to strike or quit work. That is a necessary instrument for his protection in his hands. But if there are a thousand car conductors in Queens County and nine hundred and ninety-nine of them decide to go on strike, and there is one man of them that wants to work, declines to go on strike with the nine hundred and ninety-nine, I hold, and if I were Mayor of New York I should hold if it brought down the City Hall upon my head, that the whole force of the law of the entire City of New York, if it were necessary, should protect that one man against the nine hundred and ninety-nine, and he should drive a car if he were the only man in Queens County that wanted to do it and his company were willing to employ him."

"Now, I am not going to add to your punishment by giving you a long lecture. You are a man apparently of some intelligence above the average degree of intelligence. That doesn't help you; that hurts you. If you were an ignorant man you might have been misled, but you are above the average man in intelligence and you ought to have known better."

Shonts Denies Editorials.  
At the Belmont yesterday afternoon Mr. Shonts declared he knew nothing of the issuance of the editorials and the magistrate's opinion to the grand jury.

"I accept responsibility for anything bearing my signature, but the matters were in the hands of the legal bureau," he said. "Wait and I'll have Mr. Quackenbush give the facts."

Mr. Quackenbush, when asked who issued the unsigned communications to the grand jurors, replied Mr. Shonts directed they be sent out.

"As a lawyer, Mr. Quackenbush, do you think that it is the prerogative of the District Attorney or the court to express opinions to the grand jury as to law governing cases under consideration?" he was asked.

"What are you driving at?" "The question was meant to be followed by this: Do you not consider that an opinion of a magistrate sent in this way to a grand jury usurps the function of the duly constituted officials?"

Mr. Quackenbush's reply was interrupted by Mr. Shonts, who broke in sharply.

"Now this has gone far enough. We are perfectly willing to discuss facts, but it is bad taste for you to come here and insist on our committing ourselves on matters of law. You say that this matter is under advisement of Judge Wadhams, who has indicated that he will again address himself to the grand jury Monday. Now, until such time I insist we shall not answer any questions except as to facts. I'm getting real cross, so let this thing rest right here."

Full Respect for Authority.  
Mr. Shonts earlier in the interview had repeated he had meant to show courtesy to the constituted authorities in addressing the jurors as he did.

"It would be simply asinine to go to a man for something and then offend him by so doing," he said.

Mr. Quackenbush repeated that a former Attorney General and five ex-Assistant District Attorneys had been consulted as to the legality of the communications.

"As a prosecuting attorney of Erie County, Mr. Quackenbush, did you ever know of a precedent for such action?" he was asked.

"I can't recall a specific case, but there are plenty of them. I'm sure of it and I know I'm right," he replied.

"In your investigation of the legality of the procedure, did you discover any decisions whereby such influence brought to bear on grand jurors invalidated indictments returned by them?"

"Oh, now—I shan't answer that question."

Mr. Quackenbush explained the supplementary, unsigned communications, such as was handed to Judge Wadhams yesterday, were intended to accompany the first set of affidavits, one of which was signed by Mr. Shonts, but by an error some were left out and were sent later.

"They were sent out, however, before I was aware of the remarks made by Judge Wadhams to the grand jury concerning them," Mr. Quackenbush explained.

Mr. Quackenbush explained the supplementary brief referred to in the letters to the jurors was intended only for the District Attorney.

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Every citizen has the right to make a contract, the justice declares.

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In this case the men under contract receive more than the maximum wage provided by the union and their hours of labor are fewer. The justice granted the injunction.

"While there is no direct proof of illegal acts by members of the union," said Justice Guy, "or of illegal acts perpetrated with the sanction, authorization or approval of its officers, the proof abundantly established that for a considerable time before the granting of the order herein, there existed an organized and persistent interference with practically the entire body of plaintiff's employees, accompanied by threats, intimidation, violence and with the apparent purpose of making the strike order of the defendant union more effective."

Freedom of Employees Upheld.  
"This is a condition of affairs which a court of equity will not tolerate. The law looks with favor upon the formation of labor organizations for the mutual protection and the promotion of the welfare of its members and recognizes their right to endeavor to obtain just and reasonable conditions of employment, establish rules as to wages and hours of labor and to issue strike orders."

But the law regards as of special sanctity, as the very basis of our institutions, the right of freedom of contract of each citizen, and courts of equity will exercise their fullest powers to protect individual citizens, whether employers or employees, in the exercise of this right."

Justice Guy called attention to the fact that Woolf and Shulof had been members of a manufacturers' association which had an agreement with the union. They withdrew from membership in the association and subsequently entered into the contracts with individual employees.

"Said contracts," added Justice Guy, "were entered into with members of the union with full knowledge on the part of the plaintiff that said contracts were not only in contravention of the obligations of membership union men had previously assumed upon joining the defendant union, but also in contravention of the joint agreement or protocol entered into by the defendant union and other unions with a manufacturers' association composed of the great body of employers in the same line of trade."

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SECOND SKELETON  
ON MURDER FARMLaborers Dig Up Bones of  
Victim Slain Like  
the First.PAPERS IN BARREL  
BEAR 1914 DATESBank Check Is Clew in  
the Canarsie Dis-  
covery.

There is an excavation at Powell Street and Hageman Avenue, Canarsie. During the day workmen toil in its depths, as small boys roost on its edges and watch the diggers with grisly anticipation.

But after dusk there is no one at Powell Street and Hageman Avenue. The excavation stays there all by itself, a sinister, gaping hole that not even the stoutest hearted in Canarsie would venture past. For the skeletons of two murdered men have been taken from the diggings, and no one knows how many others the soil covers over so thinly.

On September 12 the picks of the workmen first bared the skeleton vein in the excavation. The scattered bones of a small man with the skull battered in were taken to the 7th Branch Detective Bureau. They have remained a mystery. No theory that the police could advance explained their presence.

Man Murdered at Scene.  
Where the excavation now gapes once stood the house of one Joseph Verdine, who ceased to care about his truck farm in 1912, when the woman who lived with him filled his lungs with shotgun slugs. For a time the police believed this skeleton was planted by Verdine in his own vegetable garden. Yesterday another was found under circumstances which refuted this idea.

Along toward twilight Meyer Pfum and Samuel Block glanced uneasily about them and decided to dig one more wheelbarrow full of earth and call it a day. It was getting dark and the thought of skeletons was painful to them.

The next stroke of Pfum's pick hit something that gave forth a hollow sound.

Skeleton in Barrel.  
With sinking hearts the two men cautiously dug away some more earth, until they could see that their find was only a barrel.

But when they had unearthed the barrel and taken one look inside, both came out of the excavation simultaneously and at high speed. With one accord they started toward the police station. They hurried into a patrolman and explained their haste.

Cautiously the policeman climbed down into the eight-foot deep hole and peered into the barrel. Then he went to report to his captain, for he had seen, in the fading light, a skull within six inches of his face.

Captain Daniel Cary took the barrel to the 7th Branch Detective Bureau and unpacked it. It was then that the theory of the presence of the former skeleton was destroyed, for in the barrel were found several mouldy newspapers, bearing dates in August, 1914. Verdine, the supposed murderer, was slain in 1912.

Baby's Shoes with Bones.  
There were other things in the barrel besides the bones—fragments of a blue serge suit, an undecipherable memorandum book, a dollar watch and two tiny baby's shoes.

On the side of the skull, where the first skeleton recovered showed a ragged hole, a similar opening gaped. The man was murdered, the police say, probably with an axe. A slip of paper, extracted from the memorandum book, turned out to be a check, dated November 16, 1914, and drawn against the Granite Trust Company of Quincy, Mass., by Arnoldo de Loetolo, in favor of Rosario Passerelli.

The building where Verdine had lived burned in September, 1914. No structure has stood on the property since.

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New York  
Brooklyn  
Philadelphia

OPPENHEIM, COLLINS &amp; CO

34th Street—New York

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